

In the United States Court of Federal Claims

No. 22-40

Filed: April 7, 2022

CARLOS A. ALFORD,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Plaintiff Carlos A. Alford, proceeding *pro se*, filed a complaint with this Court alleging, *inter alia*, that the National Aeronautics and Space Administration (“NASA”) defamed his character by “[i]mputing that [plaintiff] is unable or lacks the integrity to perform [his] employment duties” and that he “lack[ed] ability” for the position. Complaint, Exhibit 1 (Amended Complaint) at 3, ECF No. 1 [hereinafter Am. Compl.].

On February 1, 2022, the Court ordered plaintiff to show cause as to why this Court has jurisdiction over his claims. *See* Show Cause Order, ECF No. 9. On March 2, 2022, plaintiff responded to the Court’s Order. *See* Plaintiff’s Response to Show Cause Order, ECF No. 10 [hereinafter Pl.’s Resp.]. After careful review of plaintiff’s Complaint and Response to the Court’s Show Cause Order, the Court determines it does not have jurisdiction and therefore must dismiss the Complaint. *See* R. Ct. Fed. Cl. 12(h)(3).

Plaintiff brings this claim under the Tucker Act, 28 U.S.C. § 1491. Pl.’s Resp. at 1. The Tucker Act grants the Court of Federal Claims subject-matter jurisdiction over claims brought against the United States that are grounded on a money-mandating source of law and do not sound in tort. 28 U.S.C. § 1491(a)(1). If the Court “determines at any time that it lacks subject-matter jurisdiction,” it must dismiss the action. R. Ct. Fed. Cl. 12(h)(3).

Plaintiff has the burden of demonstrating that this Court has jurisdiction over his claims. *See Reynolds v. Army & Air Force Exchange Serv.*, 846 F.2d 746, 748 (Fed. Cir. 1988). And while *pro se* plaintiffs are given “leeway on procedural matters, such as pleading requirements,” *McZeal v. Sprint Nextel Corp.*, 501 F.3d 1354, 1356 (Fed. Cir. 2007), this leniency does not lessen the plaintiff’s jurisdictional burden. *See Ibrahim v. United States*, 799 Fed. Appx. 865, 867 (Fed. Cir. 2020) (citing *Kelley v. Sec’y, United States Dep’t of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987)). Demonstrating this Court’s jurisdiction is generally a low bar. *See, e.g., Columbus Reg’l Hosp. v. United States*, 990 F.3d 1330, 1341 (Fed. Cir. 2021) (“As a general rule, if a plaintiff alleges breach of a contract with the government, the allegation itself confers

power on the Claims Court to decide whether the claim has merit.”). Claims that are “factually frivolous,” however, fall outside of this Court’s jurisdiction. *See, e.g., Spencer v. United States*, 98 Fed. Cl. 349, 356 (2011). These are claims supported by facts that are “clearly baseless,” or “rise to the level of the irrational or the wholly incredible.” *Id.* Determining whether a claim is factually frivolous is within this Court’s discretion. *See id.* (citing *Denton v. Hernandez*, 504 U.S. 25, 33 (1992)).

Upon *sua sponte* review, the Court finds that plaintiff fails to plead a non-frivolous claim for relief. *See Spencer*, 98 Fed. Cl. at 356. Plaintiff’s allegations, including alleged false statements from NASA’s hiring panel regarding plaintiff’s “critical competencies” “designed so that [plaintiff] could be passed over and not hired for the job” and that he “was lied against so that defendant could give job to [sic] friend,” fall into the category of being “clearly baseless.” *Id.*; Complaint at 1, ECF No. 1; Am. Compl. at 4–5. Therefore, this Court does not have jurisdiction over plaintiff’s claims and must dismiss the Complaint.

Accordingly, plaintiff’s Complaint is **DISMISSED**, *sua sponte*, pursuant to Rule 12(h)(3) of the Rules of the United States Court of Federal Claims. The Clerk of Court is hereby directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED.

s/ Loren A. Smith

Loren A. Smith,
Senior Judge